

McCARTHY, JOHNSON & MILLER
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Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

BOARD OF TRUSTEES OF THE NORTHERN CALIFORNIA PLASTERING INDUSTRY PENSION TRUST FUND; BOARD OF TRUSTEES OF THE NORTHERN CALIFORNIA PLASTERERS' JOINT APPRENTICESHIP AND TRAINING TRUST FUND; BOARD OF TRUSTEES OF THE PLASTERERS UNION LOCAL NO. 66 SUPPLEMENTAL RETIREMENT BENEFIT FUND; and BOARD OF TRUSTEES OF THE NORTHERN CALIFORNIA PLASTERERS HEALTH AND WELFARE TRUST FUND,)	Case No. C 05 1190 PJH
)	
)	APPLICATION EXTENDING THE
)	DATE OF SERVICE OF
)	<u>DEFENDANT AND ORDER</u>
)	
Plaintiffs,)	
)	
v.)	
)	
TROY DUDLEY, individually and doing business as SUPERIOR STUCCO,)	
)	
Defendants.)	
)	

1. The Complaint in this action was filed with the Court on March 23, 2005.

2. On March 28, 2005, I sent the Notice and Acknowledgment of Receipt of Summons and Complaint and all other Court Orders related to this case to the defendant, Troy Dudley. He never returned the Acknowledgment.

3. On April 4, 2005, Mr. Dudley called me to arrange the payment of amounts due in the Complaint, which were to be paid in full by July 4 so I could dismiss the Complaint.

1 4. On April 7, 2005, I received the first \$5,000.00 installment to be credited to the
2 amounts due.

3 5. Unfortunately, Mr. Dudley did not pay the balance owed.

4 6. On July 7, 2005, we sent these pleadings to our process server to serve the
5 Defendant. The process server has been unable to serve the defendant as of this date.

6 7. Since the defendant will be served too late for the parties to be able to comply with
7 the initial disclosures and ADR deadlines set in the Court's March 23, 2005 Case Management
8 Order, we request that these dates be vacated and rescheduled approximately one month later, or at
9 the Court's convenience.

10 Dated: July ____, 2005

Respectfully submitted,

11 McCARTHY, JOHNSON & MILLER
12 LAW CORPORATION

13 By: _____
14 LORI A. NORD

15
16 The Case Management Order dated March 23, 2005 is hereby vacated. ~~The Court shall~~
17 ~~issue a new Case Management Order.~~ CASE MANAGEMENT CONFERENCE AND ALL
18 PRIOR DATES CONTINUED THIRTY DAYS TO
9/15/05.

19 Dated: July ¹⁸ ____, 2005

20 
21 PHYLLIS J. HAMILTON
22 United States District Court Judge
23
24
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28

DECLARATION OF SERVICE BY MAIL

I am a citizen of the United States and a resident of the State of California. I am over the age of eighteen years and not a party to the within matter. My business address is 595 Market Street, Suite 2200, San Francisco, California 94105.

I am familiar with the practice of McCarthy, Johnson & Miller Law Corporation for collection and processing of correspondence for mailing with the United States Postal Service. It is the practice that correspondence is deposited with the United States Postal Service the same day it is submitted for mailing.

I served the following document(s) by placing a true copy of each such document for collection and mailing, in the course of ordinary business practice, with other correspondence of McCarthy, Johnson & Miller Law Corporation, located at 595 Market Street, Suite 2200, San Francisco, California 94105, on July ____, 2005, enclosed in a sealed envelope with postage fully prepaid, addressed in the manner set forth immediately below this declaration.

Document(s) served:

APPLICATION EXTENDING THE DATE OF SERVICE OF DEFENDANT AND ORDER

I declare under penalty of perjury that the foregoing is true and correct.

Dated at San Francisco, California, on July ____, 2005.

By: _____
DIANE NAKAMURA

Mr. Troy Dudley
individually and doing business as
Superior Stucco
4137 N. Academy
Sanger, CA 93657